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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13)	No. M-02-1486-PJH
14)	MDL No. 1486
15)	Date: July 14, 2005
16)	Time: 2:30 p.m.
17)	Court: Hon. Phyllis J. Hamilton
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In re DYNAMIC RANDOM ACCESS
MEMORY (DRAM) ANTITRUST
LITIGATION

This Document Relates to: ALL ACTIONS

22 **STIPULATED PROTECTIVE ORDER LIMITING CERTAIN DISCOVERY**

1 Whereas the parties and intervenor the United States Department of Justice,
2 Antitrust Division, previously stipulated to certain discovery limitations pending completion of
3 grand jury proceedings and any resulting criminal trials in the DRAM antitrust investigation;

4 Whereas Judge Hamilton approved the “Stipulation and Order Limiting the Scope
5 of Discovery” by Order dated April 16, 2003;

6 Whereas Judge Hamilton at the most recent Case Management Conference (January
7 20, 2005), continued the Discovery Order until July 14, 2005, but expressed that the scope of
8 discovery should expand at that time;

9 Whereas the DRAM grand jury investigation is continuing;

10 Whereas the Plaintiffs seek unlimited discovery starting July 14, 2005; and

11 Whereas the parties and the Antitrust Division have met and conferred to negotiate
12 a compromise.

13
14 THE PARTIES HEREBY STIPULATE AS FOLLOWS:

15 1. This Stipulated Protective Order supersedes the April 16, 2003, Stipulated
16 Protective Order.

17 2. No discovery may be taken about: (i) any witness’ appearance before the
18 grand jury; (ii) any witness’ testimony before a grand jury; or (iii) communications with the United
19 States relating to grand jury proceedings. If any such question is asked during a deposition,
20 counsel may direct the witness not to answer.

21 3. Subject to the restrictions of this Paragraph and Paragraph 2 above,
22 deposition discovery may commence immediately. No deposition may be taken until after
23 November 15, 2005, of 30 witnesses that the Antitrust Division will identify under seal to Judge
24 Hamilton. If Judge Hamilton approves this stipulation, the Antitrust Division will disclose the
25 witness names to the parties within two business days of the Order. The Antitrust Division’s
26 disclosure and the identity of the 30 witnesses may not be admitted into evidence for any purpose
27 and shall be treated as Confidential within the meaning of the Stipulation and Protective Order
28 entered by the Court in this case on July 11, 2003.

1 4. Absent further order of the Court for good cause shown, all discovery
2 requests, responses, and deposition transcripts shall be served upon the United States Department
3 of Justice, Antitrust Division, at the same time as served on any party. The Antitrust Division shall
4 be considered a “party” within the meaning of the Stipulation and Protective Order entered by the
5 Court in this case on July 11, 2003, which shall continue to be in force.

6 5. For good cause shown, any party (including the United States) is free to
7 seek an order continuing, modifying, or terminating the provisions of this Stipulation and Order. If
8 any such motion is made, the provisions of this Order shall continue in effect pending the
9 disposition of the motion.

10 Dated: July 8, 2005

11 Respectfully submitted,

12 U.S. DEPARTMENT OF JUSTICE
13 ANTITRUST DIVISION

14 /s/ Nathanael Cousins
15 NIAL E. LYNCH (CA Bar No. 157959)
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1 ON BEHALF OF DEFENDANTS

2 /s/ Joel S. Sanders

Joel S. Sanders

3 GIBSON DUNN & CRUTCHER LLP

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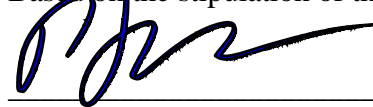
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8 Based on the stipulation of the parties, and for good cause shown, the foregoing is ORDERED.

9 

Hon. Phyllis J. Hamilton

10 United States District Court Judge

Dated: July 14, 2005

Certificate of Service

I, Nathanael Cousins, certify that I am over age eighteen, not a party to this action, and am employed at the U.S. Department of Justice, Antitrust Division, 450 Golden Gate Avenue, Room 10-0101, Box 36046, San Francisco, CA, 94102. On this date, I filed the foregoing Stipulated Protective Order as an Electronic Case Filing in the U.S. District Court, Northern District of California. This filing generates an automatic email notice to the parties registered for electronic notice in this case. I also caused a copy of the document to be mailed by first class mail to each of the parties identified in the Proof of Service attached to the Sixth Joint Case Management Conference Statement filed by the parties on July 7, 2005.

I declare under penalty of perjury that the foregoing is true. Executed in San Francisco, California, on July 8, 2005.

/s/ Nathanael M. Cousins